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June 9, 2022

VIA ECF & FACSIMILE (212-805-7942)

Hon. Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
United States Courthouse, Room 1050
500 Pearl Street
New York, NY 10007

Re: Holcomb v. Optumhealth, Inc. et al., Case No. 1:20-cv-09043-AKH

Dear Judge Hellerstein:

This firm represents Defendants in the above case. We write jointly with Plaintiff to request an extension of time to complete non-expert discovery for good cause.

Non-expert discovery is currently scheduled to close on June 21, 2021. Last Sunday, the undersigned contracted COVID. The parties had scheduled Plaintiff to be deposed on June 9, 2022, but needed to postpone this date due to the undersigned's illness. Due to scheduling issues, Plaintiff is unable to be deposed the following week, Defendants' counsel is not available on the dates Plaintiff's counsel is available during the third full week in June to take the depositions of corporate representatives under Rule 30(b)(6), one of Defendants' corporate designees who is responding to the majority of Plaintiff's topics is not available between June 24 and July 4, and Plaintiff's counsel expects to be on trial from July 5, 2022, to July 12, 2022.¹ These are the only two depositions to take place in this case.

Accordingly, the parties respectfully request that the close of non-expert discovery be extended to July 20, 2022. This is the parties' third request for an extension of time to complete discovery. The Court granted the parties' first two requests. The parties note that the Court's Order granting their second request stated that no further extensions would be granted. (ECF No. 25.) The parties respectfully ask, in light of the unforeseen illness of the undersigned, which caused scheduling difficulties in completing the depositions, that the Court grant this request.

This request affects two previously scheduled dates for the parties to confer about settlement and the Second Case Management Conference with the Court, scheduled for June 28, 2021, and July 8, 2022, respectively.

¹ The parties have rescheduled Plaintiff's deposition to take place on June 17, 2022.



Hon. Alvin K. Hellerstein
June 9, 2022
Page 2

In accordance with Section E of the Amended Civil Case Management Plan (ECF No. 15) and Part I(D) of Your Honor's Individual Rules, the parties respectfully submit the enclosed proposed modified civil case management plan.

We thank the Court for its consideration.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John DiNapoli

John DiNapoli

Enclosure

cc: Michael O'Neill, Esq. (w/enclosure)